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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,103

12/27/2004

Atsushi Kurabayashi

040894-7153

2402

9629 7590 03/07/2007
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EXAMINER

BRAKEWOOD, CANDACE ELIZABETH

ART UNIT

PAPER NUMBER

3721

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

ED

Office Action Summary

Application No. 10/519,103		Applicant(s) KURABAYASHI, ATSUSHI	
Examiner Candace Brakewood		Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/27/2004 and 9/29/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement filed December 27, 2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. Because of this, Japanese Patent 57-202677 and 2003-54833 have not been considered in the examination. It should be noted that the information provided with the international search report does not include a statement of relevance in English.

Drawings

3. Figure 5, 6 and 7 should be designated by a legend such as –Prior Art– because only that which is old is illustrated. See MPEP § 608.02(g).
4. The drawings are objected to because they do not show a “plurality of electric staplers 1”, as found on page 2 of the specification.
5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities: it is replete with grammatical errors and awkward sentences. For example, the first sentence of the specification reads as follows:

"The present invention relates to an electric stapler, particularly relates to an electric stapler mounted to a binding processing apparatus for carrying out sheets binding processing and sheets folding processing." The second clause in the sentence is incomplete, and the plural usage of the word "sheets" should be singular.

Appropriate correction is required.

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is

suggested: *Electric Stapler and Paper Folder with Paper Clogging Prevention*

Construction.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 4, the phrase "the sheets are bound by folding to bend leg portions of the staple by the clincher" is unclear. As best understood, the examiner has interpreted the word "to" to be "two".

Claims 1 and 2 recite the limitation "the sheet". It is unclear as to which of the plural "sheets of paper", which was previously recited in claim 1, the limitation "the sheet" refers.

Claim 2 recites the limitation "the recess groove". It is unclear as to which of the previously recited "recess grooves" the (singular) "recess groove" refers.

Claim 2 is unclear as to what specific structure is being defined.

Claim 5 is also unclear as to what specific structure is being defined.

Claim 6 recites the limitation "the driver". There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recited the limitation "the pinching step". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood (1,124,375). Wood ('375) discloses a stapler having a driver unit with a driver (32) and driver lifting means (30, 37), and a clincher (130) opposed to the driver that is capable of pinching sheets of paper with the driver unit and folding the leg portions of the staple (lines 96-105). Recess grooves (between 22 and 23) are formed at two contiguous portions (22, 23) of the staple injecting port (31). A press blade (13) is on a side of the clincher, is fittable into the recess groove (Fig. 4), and has a lifting means (14, 15). A fold line (Fig. 4) is capable of being formed by pressing the sheets with the press blade and recess grooves after operating to bind the sheets.

Regarding the preamble to claim 1, the stapling mechanism is deemed capable of being used in an electric stapler.

With regards to claim 2, specific structure is not defined. It is also noted that the device disclosed by Wood ('375) is deemed capable of clamping the sheets of paper before and after binding.

Claim 4 has been previously addressed in response to claim 1.

Regarding claim 5, specific structure is not defined. It is also noted that the device disclosed by Wood ('375) is deemed capable of lifting the press blade to pinch

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the sheets when the staple is injected and further lifting the press blade to form the fold line.

With regards to claim 6, the stapler disclosed by Wood ('375) is inherently operated by a method for binding sheets of paper and forming a fold line that includes pinching sheets of paper by a driver unit and clincher (130), injecting a staple, bending the leg portions of the staple, lifting the press blade (13) to fit with recess grooves (between 22 and 23) on the driver unit, and forming a fold line on the sheets of paper (page 1, line 44- page 2, line 17).

With regards to claim 7, in the pinching step, the sheets are clamped by the press blade and driver unit (page 1, line 96-page 2, line 17)

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood (1,124,375) in view of Suzuki et al. (6,921,069). Wood ('375) discloses the invention substantially as claimed, excepted for a means to switch the press blade lifting means on and off. Suzuki et al. ('069) teach the use of an on/off switch (leading to a motor) for lifting a plate/blade (Fig. 4). As is well known in the stapler art, an on/off switch is useful to turn off a device/mechanism when it is not in use, which is beneficial in saving energy and providing for safe operation. Therefore, it would have been obvious to one having

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ordinary skill in the art at the time of the invention to use an on/off switch with the blade lifting means, in order to allow the operator to turn off the device to save energy and to provide a safe stapler.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Trovinger et al. (6,708,967), Nakatsuka (6,223,965), Oikawa et al. (4,592,651), Seymour (670,624), Watkiss (5,316,280), Lugea et al. (5,989,173), Wertheimer et al. (4,410,170) and Magnusson et al. (5,284,466) are cited to show related inventions.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Candace Brakewood whose telephone number is 571-272-3115. The examiner can normally be reached on Monday-Thursday, 7am-5:30pm.

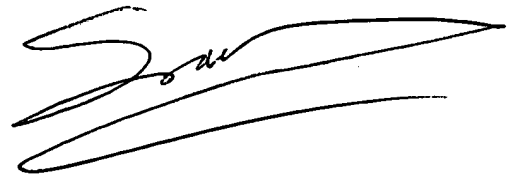
16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Candace Elizabeth Brakewood
Examiner
Art Unit 3721
March 2, 2007

SAMEH H. TAWFIK
PRIMARY EXAMINER

A handwritten signature in dark ink, appearing to read 'Sameh H. Tawfik', written over a horizontal line.